



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Arthur S. Robb	Examiner:	Sunit Pandya
Serial No.:	10/670,555	Group Art Unit:	3714
Filed:	9/23/2003	Docket:	49673.21790
Title:	Lottery and Gaming Systems with Multi-Theme Instant Win Games		

REQUEST FOR A PRE-APPEAL CONFERENCE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this Request For A Pre-Appeal Conference along with a Notice of Appeal in response to the Office Action mailed on January 24, 2006.

Applicant hereby requests a two month extension, thereby moving the deadline to respond the Office Action from April 24, 2006, to June 24, 2006.

Applicant hereby submits that the Examiner, at least, failed to properly identify where in the cited references each and every element of the claimed invention is disclosed. In particular:

The Examiner misinterpreted the meaning of display theme

The claimed inventions in claims 1, 14, and 18 include an element of "the outcome being displayed with one of the plurality of instant win game outcome display themes wherein the one of the plurality of instant win game outcome display themes correspond to the stored game theme indicator and the base wagering game entry." The examples of the "display theme" are shown in FIG. 9 (football game), FIG. 10 (black jack game) and FIG. 11 (bingo game), and it is fully supported in [0081], where

it is stated that "[i]n this example, the outcome of the instant win game is displayed with a football game theme."

Applicant argued this point in the response filed on 7/25/2005, but the Examiner failed to appreciate or address the claimed element, and accordingly failed to reject the claims properly. In particular, the Examiner interpreted "Pick 3" and "Pick 4" shown in FIGs. 3A and 3B as instant game outcome display themes. It is clear from the explanation of FIGs. 3A and 3B, the "Pick 3" and "Pick4" refer to a base game. The instant game, "key number match" is not displayed with any theme.

Further, the Examiner indicated in the third paragraph in page 15 of the Office Action that [0041] of Caro et al. reference (U.S. Pat. Publication No. 2003/0050109 A1) discloses different themes. [0041] of Caro et al. discloses a random number generator (RNG) that simply generates random numbers. [0041] also discloses other methods of obtaining random numbers such as those based on an occurrence of a public event. Obtaining a random number is not the same as displaying themes as defined by the claimed invention.

Applicant submits that, at least for the above stated reason, the Final Office Action of 1/24/2006 did not properly reject the pending claims. Applicant further requests either the allowance of the pending application or withdrawal of the rejection and prosecution of the pending application be re-opened.

Applicant hereby reserve rights to further discuss other defects of the Final Office Action in the Appeal Brief, which will be filed if this Pre-Appeal Conference Request is denied.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 03-0683.

Respectfully submitted,

Arthur S. Robb.

By His Representatives,

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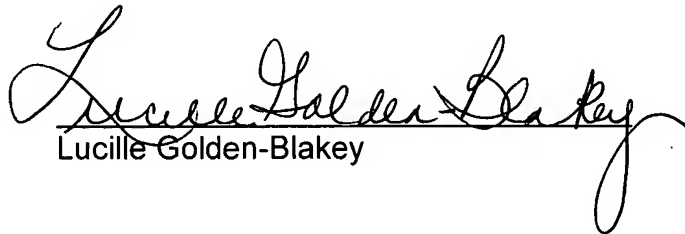
Li K. Wang

Reg. No. 44,393

Date

6/9/2008

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, Alexandria, VA 22313-1450, on this 9th day of June, 2006.



Lucille Golden-Blakey